



Office of General Counsel
Real Property Division



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The Problem:

- Most agreements require indemnity clauses - usually either by tariff or by the submission of standard contracts to PSCs
- Federal Government precluded from providing indemnity by:
 - Anti-deficiency Act – 31 U.S.C. 665(a)
 - Adequacy of Appropriations Act – 41 U.S.C. 11



- Exception: Utility Contracts
- GAO decisions lay foundation for exception for utility contracts
- Narrow exception



- Application to Interconnection Agreements
- Keys: Requirement for service
Tariff or PSC action on contract
Rejection of Gov't contract